



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/631,115

07/31/2003

Paul Michel

EFIM0233

7755

31408 7590 06/13/2007
LAW OFFICE OF JAMES TROSINO
92 NATOMA STREET, SUITE 211
SAN FRANCISCO, CA 94105

EXAMINER

KASSA, HILINA S

ART UNIT

PAPER NUMBER

2625

MAIL DATE

DELIVERY MODE

06/13/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/631,115	Applicant(s) MICHEL ET AL.	
	Examiner Hilina S. Kassa	Art Unit 2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07/31/2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>12/29/2003, 01/26/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 10-20 are objected to because of the following informalities:

In page 17, line 4, claim number **30** should be changed to claim number **29**. As numerical order for claim **29** is skipped.

In line 6, claim number **31** should be changed to claim number **30**.

In line 8, claim number **32** should be changed to claim number **31**.

In line 11, claim number **33** should be changed to claim number **32**.

In line 14, claim number **34** should be changed to claim number **33**.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 27 is contains the trademark/trade name PANTONE®. Where a trademark or trade name is used in a claim as a limitation to identify or describe a particular material or product, the claim does not comply with the requirements of 35 U.S.C. 112, second paragraph. See *Ex parte Simpson*, 218 USPQ 1020 (Bd. App. 1982). The claim scope is uncertain since the trademark or trade name cannot be used properly to identify any particular material or product. A trademark or trade name is used to identify

a source of goods, and not the goods themselves. Thus, a trademark or trade name does not identify or describe the goods associated with the trademark or trade name.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-3, 6-8, 10-12, 28 and 30 are rejected under 35 U.S.C. 102(e) as being anticipated by Jackelen et al. (US Publication Number 2003/0053810, see IDS).

(1) regarding claim 1:

Jackelen et al. disclose a method for analyzing a print job (paragraph 18, lines 3-5), the method comprising:

receiving page description language ("PDL") commands that describe the print job (paragraph 15, lines 5-9);

interpreting the PDL commands (paragraph 19, lines 1-3);

identifying a print setting from the interpreted commands that affects the entire print job (paragraph 19, lines 3-6); and

reporting the identified print setting (paragraph 19, lines 6-9).

(2) regarding claims 2 and 7:

Jackelen et al. further disclose, the method of claim 1, wherein the PDL commands comprise PostScript commands (paragraph 15, line 8).

(3) regarding claims 3 and 8:

Jackelen et al. further disclose, the method of claim 1, wherein the PDL commands comprise PCL commands (paragraph 15, line 8).

(4) regarding claim 6:

Jackelen et al. further disclose, a method for analyzing a print job for printing by a printer (paragraph 18, lines 3-5), the method comprising:

receiving page description language ("PDL") commands that describe the print job (paragraph 18, lines 4-5);

interpreting the PDL commands (paragraph 19, lines 1-3);

identifying a printer factor associated with the printer (paragraph 19, lines 3-6);

and

reporting the identified print factor (paragraph 19, lines 6-9).

(5) regarding claim 10:

Jackelen et al. further disclose, a method for analyzing a print job comprising an object having an associated print attribute (paragraph 18, lines 3-5), the method comprising:

determining a print attribute of interest (paragraph 18, lines 4-5);

associating a corresponding unique marker to the determined attribute (paragraph 18, lines 5-9);

receiving page description language ("PDL") commands that describe the print job (paragraph 15, lines 6-7);

interpreting the PDL commands (paragraph 19, lines 1-3; note that it is already described that the print job is referring to a collection of PDL format);

determining if the attribute associated with the object matches the determined attribute (paragraph 19, lines 3-6); and

reporting the results of any matched object using the corresponding unique marker (paragraph 19, lines 6-9).

(6) regarding claim 11:

Jackelen et al. further disclose, the method of claim 10, wherein the PDL commands comprise PostScript commands (paragraph 15, lines 7-8).

(7) regarding claim 12:

Jackelen et al. further disclose, the method of claim 10, wherein the PDL commands comprise PCL commands (paragraph 15, line 8).

(8) regarding claim 28:

Jackelen et al. further disclose, the method of claim 10, wherein the determined print attribute of interest comprises an orientation (paragraph 18, lines 12-17; note that when there is a job mismatch the print job will get initiated).

(9) regarding claim 30:

Jackelen et al. further disclose, the method of claim 10, wherein the unique marker comprises text (paragraph 18, lines 15-17; note that step 108 displays message).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 4-5, 9, 13-15 and 18-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jackelen et al. (US Publication Number 2003/0053810 A1) as applied to claims 1 and 10 above, and further in view of Behlok (US Patent Number 6,469,805 B1).

(1) regarding claim 4:

Jackelen et al. disclose all of the subject matter as described as above except for teaching wherein the PDL commands comprise halftone screen.

However, Behlok discloses wherein the PDL commands comprise halftone screen (column 4, lines 1-4).

Jackelen et al. and Behlok are combinable because they are from the same filed of endeavor.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the two references because they teach the process of the PDL image conversion to raster image by undergoing the process of half-tone.

The suggestion/motivation for doing so would have been that it is reliable.

Therefore, it would have been obvious to combine Jackelen et al. with Behlok to obtain the invention as specified in claim 4.

(2) regarding claim 5:

Jackelen et al. disclose all of the subject matter as described as above except for teaching wherein the identified print setting comprises a specified output profile.

However, Behlok discloses wherein the identified print setting comprises a specified output profile (column 4, lines 1-4; note that the output profile is considered as the raster image is printed).

Jackelen et al. and Behlok are combinable because they are from the same filed of endeavor.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the two references because they teach the process of the PDL image conversion to raster image then outputted by the printer.

The suggestion/motivation for doing so would have been that it is reliable.

Therefore, it would have been obvious to combine Jackelen et al. with Behlok to obtain the invention as specified in claim 5.

(3) regarding claim 9:

Jackelen et al. disclose all of the subject matter as described as above except for teaching wherein the printer factor comprises calibration information about the printer.

However, Behlok discloses wherein the printer factor comprises calibration information about the printer (column 1, lines 65-67; column 2, lines 1-2).

Jackelen et al. and behlok are combinable because they are from the same field of endeavor.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the two references.

The suggestion/motivation for doing so would have been that it is efficiency.

Therefore, it would have been obvious to combine Jackelen et al. with Behlok to obtain the invention as specified in claim 9

(4) regarding claims 13, 14 and 15:

Jackelen et al. disclose all of the subject matter as described as above except for teaching wherein the object comprises text, an image and graphic.

However, Behlok teaches wherein the object comprises text, an image and graphic (column 5, lines 11-13; note that the PDL files includes images, text data and graphic data).

Jackelen et al. and Behlock are combinable because they are from the same class and field of endeavor.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the two references because PDL files includes different forms of data.

The suggestion/motivation for doing so would have been that is versatile and flexible.

Therefore, it would have been obvious to combine Jackelen et al. with Behlock to obtain the invention as specified in claims 13, 14 and 15.

(9) regarding claims 18, 19 and 20:

Jackelen et al. disclose all of the subject matter as described as above except for wherein the determined print attribute of interest comprises a color space, a red, green, blue color space and a cyan, magenta, yellow color space.

Art Unit: 2625

However, Behlock discloses wherein the determined print attribute of interest comprises a color space, a red, green, blue color space and a cyan, magenta, yellow color space (column 1, lines 30-36).

Jackelen et al. and Behlock are combinable because they are from the same class and filed of endeavor.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art at to combine the two references because in digital color imaging, RGB and CMYK have the array of pixel information for each of the imaging colors.

The suggestion/motivation for doing so would have been that is versatile and flexible.

Therefore, it would have been obvious to combine Jackelen et al. and Behlock to obtain the invention as specified in claims 18, 19 and 20.

(12) regarding claim 21 and 22:

Jackelen et al. disclose all of the subject matter as described as above except for wherein the color space comprises a device-dependent color space and device-independent color space.

However, Behlock discloses wherein the color space comprises a device-dependent color space and device-independent color space (column 1, lines 44-48;

Art Unit: 2625

column 1, lines 50-55; note that typically the half toner renders a raster image for the print colors, however a multidimensional look-up table is commonly used before the printer received the color values).

Jackelen et al. and Behlock are combinable because they are from the same class and filed of endeavor.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art at to combine the two references.

The suggestion/motivation for doing so would have been that is efficient.

Therefore, it would have been obvious to combine Jackelen et al. and Behlock to obtain the invention as specified in claims 21 and 22.

(14) regarding claims 23, 24 and 25:

Jackelen et al. disclose all of the subject matter as described as above except for teaching wherein the determined print attribute of interest comprises a color value, a red, green, blue color value, a cyan, magenta, yellow color value.

However, Behlock discloses a method wherein the determined print attribute of interest comprises a color value, a red, green, blue color value and a cyan, magenta, yellow color value (column 1, lines 30-36).

Jackelen et al. and Behlock are combinable because they are from the same class and filed of endeavor.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art at to combine the two references because in digital color imaging, RGB and CMYK have the array of pixel information for each of the imaging colors.

The suggestion/motivation for doing so would have been that is versatile and efficient.

Therefore, it would have been obvious to combine Jackelen et al. and Behlock to obtain the invention as specified in claims 23, 24 and 25.

(17) regarding claim 26 and 27:

Jackelen et al. disclose all of the subject matter as described as above except for teaching wherein the color value comprises a spot color value and a PANTONE® spot color value.

However, Behlock discloses a method wherein the color value comprises a spot color value and a PANTONE® spot color value (column 7, lines 40-44; note that pantone spot color is considered as the ink dot of a particular process color on a sheet of paper).

Jackelen et al. and Behlock are combinable because they are from the same class and filed of endeavor.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art at to combine the two references because when analyzing an ink dot of a particular process color on a sheet of paper is a derivation of a spot color value.

The suggestion/motivation for doing so would have been that is reliable and efficient.

Therefore, it would have been obvious to combine Jackelen et al. and Behlock to obtain the invention as specified in claims 26 and 27.

8. Claims 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jackelen et al. (US Publication Number 2003/0053810 A1) as applied to claim 10 above, and further in view of Tai (US Patent Number 5,606,649).

(1) regarding claims 16 and 17:

Jackelen et al. disclose all of the subject matter as described as above except for teaching wherein the determined print attribute of interest comprises a font name and font size.

However, Tai disclose wherein the determined print attribute of interest comprises a font name and font size (column 5, lines 6-14).

Jackelen et al. and Tai are combinable because they are from they are from the same field of endeavor.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the two references.

The suggestion/motivation for doing so would have been that it is efficient enough in order to permit accurate reconstruction of the original document even though the text characters would have different sizes and fonts (column 5, lines 15-17).

Therefore, it would have been obvious to combine Jackelen et al. with Tai to obtain the invention as specified in claims 16 and 17.

9. Claims 31-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jackelen et al. (US Publication Number 2003/0053810 A1) in view of Hirumi (US Patent Number 6,059,469).

(1) regarding claims 31, 32 and 33:

Jackelen et al. discloses all of the subject matter as described as above except for teaching wherein the unique marker comprises sound, changing the color of the

matched object, and displaying the matched object on a display device in the changed color.

However, Hirumi teaches wherein the unique marker comprises sound (column 13, lines 32-38), changing the color of the matched object (column 1, lines 50-55), displaying the matched object on a display device in the changed color (column 13, lines 35-36).

Jackelen et al. and Hirumi combinable because they are from the same filed of endeavor.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine both references.

The suggestion/motivation for doing so would have been that it is reliable to have a sound and color method when there is mismatch object in printing.

Therefore, it would have been obvious to combine Jackelen et al. with Hirumi to obtain the invention as specified in claims 31-33.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ferlitsch et al. (US Publication Number 2002/0089689 A1) discloses methods and systems for combining a print job characteristic description with a print job.

Evans, IV (US Patent Number 6,525,831 B1) discloses a printing system produces prints from a print job written in one of a plurality of page description languages with the print job assuming the form of a print job stream.

11. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Hilina Kassa whose telephone number is (571) 270-1676.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Twyler Lamb could be reached at (571) 272- 7406.

Any response to this action should be mailed to:

Commissioner of Patent and Trademarks
Washington, D.C. 20231

Or faxed to:

(703) 273-8300 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.


KING Y. POON
PRIMARY EXAMINER

Hilina Kassa

June 10, 2007

